8153658/2023/VIG-III-MAU01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – MA&UD Department - Sri V. Rajeswera Rao, former Town Planning Officer (Retd), Municipal Corporation, Guntur - Request for sanction of encashment of EL, HPL and 80% Gratuity - Orders of High Court - Permission accorded - Orders - Issued.

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MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (Vig.III) DEPARTMENT

G.O.Rt.No.798 **Dated.16.11.2023**

Read the following:

1. G.O.Rt.No.1097 Fin & Plg., Dept., dt.22.06.2000.
2. From DTCP, AP, Mangalagiri in Lr.Roc.No.1637203/22/M4, dt.14.02.2023.
3. Representation of Sri V. Rajeswera Rao, former Town Planning Officer (Retd), Municipal Corporation, Guntur, dt.11.08.2023.
4. Representation of Sri V. Rajeswera Rao, former Town Planning Officer (Retd), Municipal Corporation, Guntur, dt.27.10.2023 along with orders, dt.10.10.2023 in WP No.26546 of 2023 of Hon'ble High Court.

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O R D E R:

Sri V.Rajeswara Rao, former Town Planning Officer(Retd), Guntur Municipal Corporation, in his representation 3rd read above has stated that he was retired from service on superannuation on 30.11.2020 A.N as TPO at Guntur Municipal Corporation and he could not drawn certain retirement benefits even after lapse of two and half years due to pendency of certain charges. The charges are pending at Government level are only procedural lapses and deviations of buildings etc., and nothing related to financial loss to the Government. Hence, he has requested the Government to consider his case and accord sanction of encashment of EL & HPL of 284 days + 410 days respectively and gratuity for which he is eligible and oblige.

2. The Director of Town & Country Planning, AP, Mangalagiri in the reference 2nd read above has also confirmed that the charges pending the above individual appears to be procedural lapse and allowing unauthorized constructions. The possibility of recovery of money or any financial loss on account of any departmental disciplinary case has to be arrived during the course of inquiry by the Inquiring Authority and it cannot be derived by any other authority. In such a case, it would lead to the procedural lapses /violation and cannot sustain under legal scrutiny. Hence, she has requested to issue necessary orders in the matter.

3. In the reference 4th read above, Sri V.Rajeswara Rao, Town Planning Officer(Retd), Guntur Municipal Corporation has stated he has filed a WP No.26546 of 2013 before the Hon'ble High Court with a plea to direct the respondents to release the 80% retirement gratuity to him as per Rule 52(I)(c) II Proviso of AP Revised Pension Rules, 1980 and encashment of earned leave

(PTO)

and half pay leave i.e., 284 days + 410 days as per AP Leave Rules. The Hon'ble High Court in its orders, dt.10.10.2023 in above WP No.26546 of 2023 has issued the following orders:-

> "Having regard to the facts and circumstances and in view of the law laid down by this Court in the above Writ Petition and as the Petitioner is similarly situated to that of the Petitioner therein, this Writ Petition is disposed off, in terms of the order in WP No.3421 of 2021, dt.19.03.2021."

4. The Hon'ble High Court in its orders, dt.19.03.2021 in WP No.3421 of 2021 has directed the respondents to release the amount payable on encashment of earned leave to the credit of the petitioner's leave account and also pay 80% retirement gratuity, in accordance with law, within four (04) weeks from the date of receipt of a copy of this order.

5. Government after careful consideration of the matter; keeping in view the orders of the Hon'ble High Court, hereby accord permission for encashment of Earned Leave, as per the A.P. Leave Rules and also to release 80% gratuity to Sri V.Rajeswara Rao, Town Planning Officer(Retd), Guntur Municipal Corporation, as per the instructions issued in G.O.Rt.No.1097 Fin & Plg., Dept., dt.22.06.2000.

6. The Director of Town & Country Planning, AP, Mangalagiri shall take necessary further action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Y.SRILKAKSHMI
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri V.Rajeswara Rao, Town Planning Officer(Retd), Guntur Municipal Corporation – through the DTCP, AP, Mangalagiri.
The Director of Town & Country Planning, AP, Mangalagiri.
Copy to:
The MA&UD(B) Department.
The Regional Deputy Director of Town & Country Planning, Guntur.
The Commissioner, Guntur Municipal Corporation, Guntur District.
The PS to M (MA & UD).
Sf/Sc (E 1752697)

// FORWARDED :: BY ORDER //

SECTION OFFICER